

# Exhibit 59

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,

Plaintiff,

v.

Civil No.: 1:20-cv-00066-WGY

UNITED STATES, et al.,

Defendants.

/

VIDEOTAPED

DEPOSITION OF: ANTHONY MARTINEZ

TAKEN: By Counsel for Plaintiff

DATE: April 28, 2023

TIME: 9:00 a.m. - 5:41 p.m.

PLACE: Constangy, Brooks, Smith &  
Prophete  
100 North Tampa Street  
Suite 3350  
Tampa, Florida 33602

REPORTED BY: Sarah Parker  
Notary Public  
State of Florida at Large



1 and telling me that. And she left, and I was  
2 puzzled.

3 Q. Did she tell you during the meeting that  
4 she was leaving work early to avoid being alone with  
5 him?

6 A. I don't recall that conversation either.

7 Q. And she didn't tell you that JP had  
8 cornered her in the lobby as she was trying to leave  
9 the building?

10 A. No, she didn't mention that.

11 Q. She did, or did not?

12 A. She did not mention the lobby situation on  
13 July 2nd, she mentioned that on July 5th.

14 Q. So she didn't say she wanted to make a  
15 formal complaint against JP; is that right?

16 A. She didn't say --

17 Q. That she wanted to make a formal complaint?

18 A. No, she didn't say anything about formal  
19 complaint, didn't say anything about sexual  
20 harassment, nothing.

21 Q. And would it surprise you to learn that she  
22 said she wanted to resolve it informally and  
23 self-manage the situation?

24 A. Are you talking about July 2nd?

25 Q. Uh-huh.

1       wanted to give me a heads up and keep me in the  
2       loop."

3                     And that's referring to July 2nd.

4       Q.     In the fourth paragraph, can you read aloud  
5       the fourth paragraph of the document?

6       A.     What paragraph do you want me to read?

7       Q.     Actually, why don't you do the third and  
8       fourth paragraph, if that's okay, for the record.

9       A.     Yeah. "I then specifically asked her about  
10      any possible harassment by JP. She advised me on  
11      several occasions he made her feel uncomfortable by  
12      wanting to meet after work hours. On one specific  
13      situation she said they both had stayed late working  
14      on the case. When the meeting was over, JP asked her  
15      if she needed a ride. Caryn advised him that she had  
16      had her bike and she did not need a ride. She went  
17      and got her bike and on her way out to the first  
18      floor, JP was waiting for her in the lobby and asked  
19      her if she needed a ride. Caryn said no and left."  
20      She indicated she -- that's my language, "creeped  
21      out."

22       Q.     Okay.

23       A.     I don't know if she used that specific  
24      language, but she just felt creeped out by him being  
25      in the lobby after she said no to his request.

1 Q. Do you want to read the next paragraph?

2 A. Right. Then, "I specifically asked Caryn  
3 if there was any inappropriate touching or attempting  
4 to touch her. She said no. I told her that I wanted  
5 to make sure she worked in a environment where she  
6 felt comfortable. She advised me she did not want to  
7 submit a complaint against JP."

8 Q. Does that accord with your recollection of  
9 the event?

10 A. Yes, ma'am. Yes, ma'am.

11 Q. Why did you ask about touching,  
12 inappropriate touching or attempted touching?

13 A. I understand that there is a physical  
14 aspect to sexual harassment. In this particular  
15 scenario, when she's talking about she came down the  
16 elevator and came to the lobby, I was really asking  
17 about did JP do anything else than just stand there,  
18 and, in essence, that's what I was saying. When I  
19 say, "touching or something physical," she said, "No,  
20 he went his way and she went that way." That's what  
21 I was -- that's why I asked that question.

22 Q. Did you think that if she was touched, then  
23 she would have experienced sexual harassment?

24 A. Oh, obviously, if she was. More, if he was  
25 trying to do something, then, yes.

1           A. Scroggins. But she spoke to someone from  
2 that office, and they instructed her. I'm pretty  
3 sure she said Nancy Dunham advised her, Heather Beam,  
4 that there is nothing that they can do about this,  
5 nothing Heather can do about this situation.  
6 Mr. Martinez needs to resolve this. Do not contact  
7 any lawyers and this is a directive, this is an  
8 order.

9           I then -- she then contacted -- you know,  
10 this is Heather telling me this.

11           I then said, "What, Heather? I mean, I'm  
12 not understanding."

13           "That's what I was told, Tony, and I can't  
14 be involved in investigation of this case. I'm  
15 done."

16           I called James, I said, "James, what's  
17 going on here?" Heather just advised me of what I  
18 just told you, I thought this, this complaint is  
19 going to the Fourth Circuit, the EDR plan under the  
20 on the Fourth Circuit applies here. How is the AO  
21 saying this, or doing -- so it was clear to me that  
22 Caryn had already contacted the AO, the FEPS office.  
23 That's when I first found out that she had contacted  
24 and filed or was communicating. I didn't know, but  
25 they were aware of the situation.

1           A. Yes, ma'am.

2           Q. And prior to that, you didn't know that  
3 Caryn had gone to FEPS with her report?

4           A. Correct.

5           Q. So is it fair to say that you became aware  
6 for the first time of Caryn's complaint to FEPS on  
7 August 8th?

8           A. Yes, yes.

9           Q. First time?

10          A. Yes.

11          Q. Okay. And it says here that you -- she  
12 suggested you should meet with Plaintiff, and then  
13 you did. That's why you were meeting with her on  
14 August 9th?

15          A. Correct, correct.

16          Q. So on August 9th, you met with her. Did  
17 you say in this meeting to her that -- did you tell  
18 Caryn in this meeting that you were unhappy about her  
19 having contacted FEPS?

20          A. No, I told her -- excuse me. I thought  
21 that she -- I felt that she didn't go to me first, to  
22 speak to me, and she kind of went around me and is  
23 sharing with the AO, Administrative Office of the  
24 Courts, and I just felt like she went, you know,  
25 behind my back, sort of.

1                   And so I asked her, "Why did you do that?  
2 Why didn't you come to me and talk to me? I would  
3 have tried to resolve all these issues before you go  
4 into the AO." That was the extent of my  
5 conversation.

6                   Q. Did she tell you in that meeting that she  
7 had been trying to resolve the situation informally?

8                   A. She might have, yes, yes, yes.

9                   Q. Did you think she'd done something wrong by  
10 reporting the conduct to the AO's FEPS?

11                  A. No, she was doing nothing wrong, and  
12 obviously, you know, she has a perfect right to call  
13 the AO and ask them questions. I just thought it was  
14 unfair to me that she didn't speak to me first and  
15 articulate to me, you know, all of the concerns so  
16 that I could try to resolve them. You know, and I  
17 thought they were resolved on July 5th.

18                  So I was taken aback, that too. You know,  
19 we had the meeting July 5th. The way we left the  
20 meeting, she was happy.

21                  I said, "Are you sure you're okay with  
22 this; are you comfortable going forward?"

23                  She said, "I'm comfortable going forward."

24                  And nothing, it was uneventful, up until I  
25 get a call from the AO saying, "Oh, Tony, I was just

1           Q.     Did you feel mad that she reported to the  
2     AO?

3           A.     Yeah, I was upset, and I say it, I told her  
4     because I thought she was going behind my back and I  
5     would have liked for her to come to me first.

6           Q.     And you didn't think that she had come to  
7     you first on July 2nd?

8           A.     Correct. Because we were just talking  
9     about, I thought it was a breakdown in communication.  
10    I did have concerns, but my concerns were allayed  
11    during that meeting, and after that meeting, she felt  
12    comfortable going forward. And it was just a  
13    breakdown in communication, and I thought it was  
14    resolved.

15          Q.     And at the July 5th meeting, you also  
16    believed that the concern was resolved?

17          A.     Correct.

18          Q.     So did you say to her in that meeting, "I  
19    feel like I'm being blamed for a situation that as  
20    soon as I was put on notice, I'm taking control over  
21    it"?

22          A.     At which meeting? You're talking about  
23    August 9th, yes.

24          Q.     Sorry, yes. August 9th, yes. What did you  
25    mean by that?

1           Q.     Did you agree with that?

2           A.     Yes, ma'am.

3           Q.     Why did you think you should recuse and  
4 appoint Heather?

5           A.     Well, first of all, I wanted to get out of  
6 the scenario. I wanted somebody as fair and  
7 impartial. I wanted distance from the EDR process.  
8 I wanted to create distance, so I was in total  
9 agreement about recusing myself. And then Heather is  
10 the HR specialist for the district, and she had no  
11 idea. You know, she was distant; and so it's like,  
12 why not?

13          Q.     Why not. Did you --

14          A.     I mean, I'm not going to ask you a  
15 question, in my mind I'm saying, "Why not?"

16          Q.     I understand. I wasn't about to answer for  
17 you. So did you think that you could be fair or  
18 impartial if you were the investigator?

19          A.     I felt I could, but I didn't want to be the  
20 investigator. I didn't want anybody alleging that I  
21 was tipping the scale in favor of JP. He's my first  
22 assistant, and the allegations were against the first  
23 assistant, and one of my supervisors. And so I  
24 wanted to be recused, get out, and have somebody else  
25 who's completely independent to conduct the

1 investigation and be my designee.

2 Q. Was there some risk in your mind that  
3 people would think there was a little bias in favor  
4 of JP on your part?

5 A. Yes, ma'am.

6 Q. Why was that?

7 A. I felt that Caryn would feel that there  
8 would be bias if I was investigating JP, yes.

9 Q. Why do you think Caryn would have thought  
10 that?

11 A. I felt that, particularly in the August 9th  
12 meeting, again, when I got defensive, I just felt she  
13 was somewhat -- I felt like I was under attack  
14 myself. And so I just wanted to clean my hands of it  
15 and have somebody else completely independent handle  
16 it.

17 Q. So in the August 9th meeting you felt  
18 attacked by Caryn?

19 A. No, I didn't feel attacked.

20 Q. You felt that you were under attack?

21 A. No, I felt that she was blaming me, which  
22 is what I say in the meeting, that she's blaming me  
23 for a lot of the circumstances surrounding, like in  
24 her eyes, lack of whatever. I just felt like I was  
25 being blamed, that's all.

1 sexual harassment to you, correct?

2 A. She reported some conduct to me that, in my  
3 opinion, was not sexual harassment based on the facts  
4 that she provided to me.

5 Q. So she provided facts to you that you did  
6 not consider sexual harassment; is that right?

7 A. Correct.

8 Q. And -- but you still felt that it was  
9 obligatory for you to report it to Mr. Ishida?

10 A. Because she alleges in black and white that  
11 she was being sexually harassed.

12 Q. In what way was Heather Beam your designee  
13 in the investigation?

14 A. I have no -- I really don't know.

15 Q. Were you confused by what that meant?

16 A. I was a little confused about some aspects  
17 of this, because this was my first time going through  
18 and under this EDR plan; so yeah.

19 Q. Did you think that it was a conflict of  
20 interest for you to be appointing the investigator?

21 A. There might be an allegation. I didn't  
22 think so, because, in essence, I was not selecting  
23 the investigator. The investigator was being  
24 selected by the circuit executive, and then, for me,  
25 it was just a technicality that I would be appointing

1                   her, but I still had a distance from her.

2                   Q.     Did you think that Heather was acting as  
3                   your designee?

4                   A.     Pursuant to this e-mail, yes. You know,  
5                   what that means, I have no idea.

6                   Q.     Was she doing the investigation under your  
7                   supervision?

8                   A.     No.

9                   Q.     Was she reporting to you?

10                  A.     No.

11                  MS. GERSEN: All right. Can we have  
12                  Tab 29, please.

13                  BY MS. GERSEN:

14                  Q.     Okay. I'm handing you Exhibit 69, and could  
15                  you let me know if you recognize that.

16                  MS. GERSEN: I'm sorry, this is Exhibit 3  
17                  in a previous exhibit. Can we fix this?

18                  (Exhibit 3 was marked for identification.)

19                  A.     Okay.

20                  Q.     Do you have it?

21                  A.     Yes, ma'am.

22                  Q.     So this -- have you seen this e-mail  
23                  before?

24                  A.     No, this is the first time I've ever seen  
25                  this.